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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

February 27, 2008

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United States Magistrate Judge Larson
United States District Court for the Northern District of California
450 Golden Gate Ave.
San Francisco, CA 94102

RE: Michael Davis v. BOSS/MASC and Social Security Administration
Case No.: 07-04524-JL

Dear Judge Larson:

BOSS was served with a summons in this case. BOSS is a non profit organization which serves the homeless in the East Bay. I am writing to you and the other parties in this case in the hope that the matter can be resolved informally.

BOSS promises to do justice in this case if it appears that monies are due to Mr. Davis. BOSS would like to refrain from filing an answer and formally litigating this case because the amount at issue is far less than the cost to BOSS of litigation. This manner of proceeding would be more than fair to Mr. Davis, since it appears that if this matter were litigated, it could be defended based on a statute of limitations defense.

BOSS received service of a declaration from Anthony Alcutt who states that in the Fall of 2000 he returned \$880.00 to Social Security which constituted unspent funds that BOSS was holding as payee. Mr. Davis filed a declaration with Social Security in July of 2007, stating that these matters occurred in 2002. BOSS has not retained its payee bank account records for the years 2000 and 2002.

One of our board members spoke with Jacqueline Forslund who is representing the Social Security Administration and who I understand is awaiting records on Mr. Davis' case. If Social Security is able to pinpoint the date at which BOSS ceased to serve as Mr. Davis' payee, BOSS will request records from Mechanics Bank, where the payee accounts were located, which should show whether a check was paid to Social Security on Mr. Davis' behalf. If BOSS is unable to obtain proof that payment was made to Social Security, BOSS will make a payment to Mr. Davis in the amount of \$880.00 on the following conditions: 1) that BOSS would not be required to answer or otherwise plead to

this complaint, and 2) that the Complaint be dismissed with prejudice.

I hope this meets with the approval of the Court and that of the other parties to this case.

Very truly yours,




Robert Barrer

cc: Michael C. Davis
2362 Bancroft Way
Berkeley, CA 94704

cc: Jacqueline A. Forslund
Social Security Administration
333 Market St., Ste. 1500
San Francisco, CA 94105

3/10/08

SO ORDERED



JAMES LARSON
U.S. CHIEF MAGISTRATE JUDGE